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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RONALD KONIECZKA, individually and on behalf of all others similarly situated, v. INTEL CORPORATION, a Delaware Corporation, Plaintiff, Defendant. Case No. C 05-2700 (MHP))) STIPULATION AND [PROPOSED]) ORDER TO STAY THE CASE) MANAGEMENT CONFERENCE AND) RELATED DEADLINES PENDING THE) OUTCOME OF THE MOTION TO) TRANSFER AND COORDINATE OR) CONSOLIDATE PURSUANT TO) 28 U.S.C. § 1407)

WHEREAS, on June 30, 2005, Plaintiff filed the instant action in the Northern District of California (“Konieczka Action”);

WHEREAS, on or about July 11, 2005, the plaintiffs in Brauch, et al. v. Intel Corp., No. C 05-2743 (BZ) (N. D. Cal., filed July 5, 2005), a related matter, moved before the Judicial Panel on Multi-District Litigation (“MDL”), to transfer and coordinate or consolidate for pre-trial proceedings pursuant to 28 U.S.C. § 1407 (“MDL Motion”), and the Konieczka Action has been identified as a related action to that motion;

WHEREAS, on or about July 27, 2005, Judge Patel issued a Related Case Order relating this case to an earlier filed case assigned to her, and canceling or staying certain but not

1 all dates, events and deadlines in the action;

2 WHEREAS, to date, a decision has not been rendered on the MDL Motion;

3 WHEREAS, the outcome of the MDL Motion will impact significantly the
4 schedule of this case;

5 THEREFORE, IT IS HEREBY STIPULATED, pursuant to Civil Local Rule 6-2,
6 by and among counsel for Plaintiff Konieczka, and counsel for Defendant Intel Corporation, that
7 the case management conference currently scheduled for Monday, October 31, 2005, should be
8 stayed pending the outcome of the MDL Motion;

9 IT IS FURTHER STIPULATED by the aforementioned parties that any events,
10 dates or deadlines set by the ADR Local Rules or Federal Rules of Civil Procedure 16 and 26,
11 and any deadlines established in any case management order applicable to this case should
12 likewise be stayed pending the outcome of the aforementioned MDL Motion; and

13 IT IS FURTHER STIPULATED by the aforementioned parties that if a case
14 management conference is rescheduled by the Court, the parties shall adjust the dates for the
15 conference, disclosures and report required by Federal Rules of Civil Procedure 16 and 26
16 accordingly.

18 IT IS HEREBY STIPULATED.

19 Dated: October 20, 2005

20 Keller Grover LLP

22 By: _____ /s/ Jeffrey F. Keller

23 JEFFREY F. KELLER

25 Attorneys for Plaintiff Konieczka

1 Bingham McCutchen LLP
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3 By: /s/ Joy Fuyuno
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5 JOY K. FUYUNO
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9 Attorneys for Defendant
10 Intel Corporation
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**[PROPOSED] ORDER TO STAY THE
CASE MANAGEMENT CONFERENCE AND RELATED DEADLINES**

The case management conference currently scheduled for Monday, October 31, 2005, is hereby stayed pending the outcome of the motion to transfer and coordinate or consolidate pursuant to 28 U.S.C. § 1407 (“MDL Motion”). Any deadlines set by the ADR Local Rules or Federal Rules of Civil Procedure 16 and 26, and any deadlines established in any case management order applicable to this case are likewise stayed pending the outcome of the aforementioned motion.

Upon the determination of the MDL Motion, if it is necessary for the Court to reschedule a case management conference, the parties shall adjust the dates for the conference, disclosures and report required by Federal Rules of Civil Procedure 16 and 26 accordingly.

IT IS SO ORDERED.

Date: _____

Honorable Marilyn H. Patel
United States District Court Judge